

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Guy H. Scull River Pumps

Subfile No. X-2

MOTION FOR ORDER APPROVING AND ADOPTING THE
STIPULATION ON PRIORITY DATE OF WATER RIGHTS
UNDER GUY H. SCULL RIVER PUMPS

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), by and through its undersigned counsel, requests the Court to enter an Order approving and adopting the *Stipulation on Priority Date* filed March 5, 2008 (Doc. No. 9124) on the water rights in Subfile X-2 in Section 1 of the Chama Mainstream Section, and in support of this Motion states the following:

1. The State and the owner of the water rights in Subfile X-2 (United States of America) have entered into a stipulation on the priority date (January 26, 1948) of the water rights in this subfile under the Guy H. Scull River Pumps in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed March 5, 2008 (Doc. No. 9124). The State and the owner of the water rights in Subfile X-2 are in agreement that there is no basis to redetermine or reconsider the priority date (January 26, 1948) of the water rights described in the Order filed January 5, 1970 (Doc. No. 769) in Subfile X-2.

2. The Court should enter an Order that approves and adopts the *Stipulation on Priority*

Date filed March 5, 2008, and that confirms the priority date of January 26, 1948, included in the *Order* filed January 5, 1970.

3. The Order approving and adopting the stipulation on the priority date of the water rights in Subfile X-2, and confirming the priority date of January 26, 1948, included in the *Order* filed January 5, 1970, should be entered as a final order subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

4. A proposed Order granting this Motion is attached hereto as Exhibit 1.

WHEREFORE, the State respectfully requests the Court to enter an Order that approves and adopts the *Stipulation on Priority Date* filed March 5, 2008 (Doc. No. 9124), and that confirms the priority date included in the *Order* filed January 5, 1970 (Doc. No. 769).

FURTHER, the State requests that the Court enter the requested Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of April, 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
EDWARD G. NEWVILLE